

## Why Should You Oppose H.R. 1417?

December 16, 2013

H.R. 1417 purports to be a border security bill. But, just like the Senate amnesty bill, H.R. 1417 only requires the Department of Homeland Security (DHS) to submit a *plan* for obtaining situational awareness and operational control of the border. **It does not actually require DHS to obtain either one.**

Rather, H.R. 1417 simply sets goals that DHS must meet. Under the bill, DHS must develop a border security plan based on the goals of gaining and maintaining:

1. **Situational awareness**, which is defined as:

- a. *“Knowledge and an understanding of current illicit cross-border activity... and the ability to forecast future shifts in such threats and trends.”* (p.23) **However**, note that: (1) the term “cross-border” does not specify in which direction this “activity” is taking place, and (2) the definition refers to “activity,” not necessarily the movement of **illegal aliens** across the border. Thus, the definition is so vague that it could allow the Secretary of DHS to interpret it as simply the knowledge of gun trafficking from the U.S. to Mexico—not the movement of illegal aliens from Mexico into the United States.

### AND

2. **Operational Control**, which is defined as:

- a. *At least a “90 percent illegal border crossing effectiveness rate.”* **However**, this effectiveness rate is achieved when the Border Patrol apprehends 90 percent of the illegal aliens it is aware of; it does not take into account illegal aliens who enter the U.S. without having been detected by the Border Patrol. This means that the Obama Administration could actually achieve the effectiveness rate by reducing enforcement, not increasing it.

### and

- b. *A “significant reduction” in the movement of “illicit drugs and other contraband.”* (p.23)(See also S.744, Sec. 5, p.12) **However**, the term significant reduction is so vague as to be meaningless. The bill contains no benchmarks for determining what a significant reduction is, which could allow the Obama Administration to simply declare this has already been done.

Notably, if DHS fails to meet these goals—or even fails to submit a border security plan entirely—H.R. 1417 imposes **no consequences**. For example, if DHS does not achieve a 90 percent effectiveness rate, DHS must simply issue a report to Congress stating why and offering recommendations on how DHS may actually achieve that goal. Nothing in the bill requires DHS to even implement its own recommendations. The bill lacks any teeth to ensure that the Obama Administration does what it has so far failed to do—secure the border.